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Committee on Economic, Social and Cultural Rights

Fiftieth session

Summary record of the 15th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 8 May 2013, at 10 a.m.

Chairperson: Mr. Kedzia

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Combined second to fourth periodic reports of Rwanda

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The meeting was called to order at 10.15 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined second to fourth periodic reports of Rwanda (E/C.12/RWA/2-4; E/C.12/RWA/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Rwanda took places at the Committee table.*

2. **Ms. Nyirahabimana** (Rwanda) apologized for the delay in submitting the combined periodic report of Rwanda (E/C.12/RWA/2-4), which was due to the legacy of the 1994 genocide against the Tutsi that had led to over 1 million deaths and destroyed her country's institutional framework. The Government of Rwanda, however, was introducing policies and institutions to rebuild the country and repair its social fabric. A task force had been established to coordinate the preparation of reports for treaty bodies and advise on treaty accession and ratification, which had resulted in a significant reduction in the backlog of reports. Rwanda was party to the majority of human rights treaties and would shortly ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The combined periodic report of Rwanda had been prepared through a broad process of consultation, and the written replies to the Committee's list of issues (E/C.12/RWA/Q/2-4/Add.1) provided updated information on the situation of economic, social and cultural rights since 2009.

3. The equal treatment of all Rwandan citizens was enshrined in the Constitution and discrimination on any basis was prohibited and punishable by law. The Government had also introduced policies addressing the discrimination historically suffered by a number of communities. The rights enshrined in articles 6 to 15 of the Covenant were being implemented through Vision 2020 and the Economic Development and Poverty Reduction Strategy. Both strategies focused on economic and rural development, productivity, youth unemployment and accountable governance, and were aimed at transforming Rwanda into a middle-income country by 2020.

4. Regarding the right to health, the number of Rwandans with access to health care had risen, thanks to new health centres and district hospitals, the training and deployment of community health workers and the provision of health insurance covering approximately 96 per cent of the population. Millennium Development Goal 4 on reducing child mortality had been achieved, and reduced maternal mortality meant that Millennium Development Goal 5 on improving maternal health would also soon be reached. The rates of malaria, HIV infection and vertical transmission of HIV had fallen, and antiretroviral coverage had risen to 91 per cent. HIV tests and counselling were available at all health centres.

5. Barriers to primary education had been removed through the abolition of school fees, the construction of extra classrooms and the extension of free basic education to 12 years of study. Initiatives to guarantee the right to work included ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the introduction of a ministerial order setting out the requirements and procedures for registering trade unions and employers' organizations. Despite the many challenges faced in recovering from the horrors of genocide, Rwanda was steadfastly committed to the promotion and protection of human rights, including economic, social and cultural rights.

6. **Mr. Schrijver** (Country Rapporteur), on behalf of all members of the Committee, expressed sympathy with all victims of the genocide that had taken place in Rwanda in

1994. While noting the turbulent history of the State party and its efforts to come to terms with the past, he nonetheless wished to know why the State party's report had not been submitted until 10 years after the holding of democratic elections in the country. Regarding the treatment of the perpetrators of genocide, he noted that the International Criminal Tribunal for Rwanda was drawing to a close and asked the delegation to offer an appraisal of its work and explain why the Government had decided not to accede to the Rome Statute of the International Criminal Court.

7. He asked whether the coexistence of *Gacaca* courts with the formal judiciary gave rise to particular problems with respect to the rule of law; whether the delegation could respond to allegations that the national human rights institution lacked independence; what experience the State party had of the direct application of international treaties; whether the judiciary would benefit from enhanced human rights education; and how the Government accorded all groups in society their legitimate group rights while at the same time affirming that the population was composed of only one community.

8. He asked for the reasons behind the inadequate information concerning the Batwa in the written replies and how discrimination against the Batwa was addressed in all areas relating to the Covenant. Despite women's high level of political representation in the State party, he noted the existence of gender stereotypes, particularly in the employment sector, and expressed concern at the high levels of physical and sexual violence against women. Poor access to family planning services, safe abortion and post-abortion care led to high maternal mortality rates.

9. While welcoming recent economic progress, he expressed concern at the fact that over half the population lived below the poverty line. He would welcome information on policies to integrate refugees and poor people, particularly those living in rural areas. Although refugees were present in significant numbers in the State party, alternative sources indicated that Rwandan refugee law did not conform to international standards and that many refugees and asylum seekers could not exercise their rights. Furthermore, many Rwandans who had fled as refugees and then returned to Rwanda also faced discrimination and were unable to enjoy their rights. He would appreciate information on the measures taken by the Government to restore the rights of returnees.

Articles 1 to 5

10. **Mr. Pillay** noted that the Covenant was directly applicable in Rwanda but expressed concern that no examples had been given of its practical application by the courts. He asked whether justice was readily available to aggrieved persons, particularly the Batwa. Furthermore, he wished to know whether the Batwa were aware of their rights and whether the Government was prepared to take special temporary measures to combat the discrimination and inequality faced by the Batwa community in the social, economic and cultural spheres.

11. **Ms. Shin** welcomed Rwanda's decision to ratify the Optional Protocol to the Covenant and asked for an update on progress in that regard. While recognizing the logic behind the policy of identifying Rwanda as one community, she wished to know how the delegation assessed the impact of the policy, whether all groups agreed with it and whether it was detrimental to any particular group. The question of whether Rwandans made distinctions among themselves was also of interest, as was the effect of the policy on the Batwa.

12. The high number of women in political office in Rwanda was impressive. She wished to know what impact that had had on the daily lives of women and whether women's lives had improved as a result. Information about measures to tackle entrenched gender stereotypes and the gender division of labour would be appreciated, as would

confirmation of whether women enjoyed legal equality in the distribution of land and, if so, whether they were able to exercise their right to land.

13. **Mr. Sadi** said that in the future the State party might consider including a greater number of technical experts in the delegation, since the topics covered by the Committee were extremely complex.

14. He asked to what degree the social scars of the 1994 genocide had healed; whether the delegation considered that non-recognition of the Batwa community as an ethnic group might set the stage for further civil strife; whether the State party gave other United Nations instruments higher priority than the Covenant, given that for other treaty bodies it had not submitted late reports; and what the delegation's view was on the lack of explicit laws to prohibit discrimination against women and the fact that the Civil and Family Codes apparently contained elements of discrimination. Lastly, did the National Commission for Human Rights cover all the rights set out under the Covenant? If so, could the delegation perhaps cite cases in which the Commission had invoked the Covenant?

15. **The Chairperson**, speaking as a member of the Committee, said that the genocide in Rwanda had highlighted the importance of preventive measures to avoid national conflict. Since then, the measures taken by the State party to promote mutual tolerance and resolve refugee problems could serve as a model for conflict prevention in other countries. He asked what the Government was doing to promote the participation of marginal groups and discourage hate speech, and what precise role was played by the National Commission for Human Rights.

16. **Mr. Abdel-Moneim** welcomed the State party's vision of economic development as requiring investment and the development of the country's infrastructure. Given that there was no obligation under the Covenant to use economic cooperation to extend people's rights, he asked for the delegation's opinion as to whether the international economic community and donors were really helping Rwanda to fulfil its obligations under the Covenant, particularly those under articles 2 (1) and 1 (2).

Articles 6 to 9

17. **Ms. Shin** asked what the Government was doing to lower the level of unemployment among women; redress the wage gap between the sexes; and reduce the tendency for women to work in the informal, and not the formal, sector. She also asked whether there was a specific law on the prevention of sexual harassment in the workplace.

18. **Mr. Martynov** requested clarification as to whether the unemployment rate of only 1 per cent, indicated in the report, was correct and, if so, how the country had achieved such a low level.

19. The information on persons with disabilities was far from complete: he asked whether a quota system had been introduced in the public and private sectors; what powers were conferred on the National Disability Council; what the purpose of the grant was for persons with disabilities; whether the grant had already been distributed to anyone; how many people benefited from the assistance programmes for persons with disabilities; what conditions were attached to the provision of microfinancing under such programmes; whether microfinancing was in the form of loans or grants; how many disabled persons underwent training courses; and what proportion found jobs as a result of them. Similarly, he would appreciate further information on the Government's vocational training initiatives and the apparent mismatch between training and employment mentioned in the report.

20. Turning to social security, he asked how the Government endeavoured to protect the rights of the 15 per cent of the population who were domestic workers; whether the delegation had updated figures for employment in the informal sector in 2012; whether the

new Labour Act of 2009 guaranteed social security for all informal workers in Rwanda; how the Government enforced the Act, particularly for agricultural and domestic workers; and whether it had set targets with a view to reaching its goal of universal social security coverage, given that currently only 2.3 per cent of the population received old-age benefits.

21. **Ms. Bras Gomes** enquired whether Government policy was to establish one minimum wage level or various occupation-dependent minimum wage levels. The minimum wage was designed to ensure an adequate standard of living, and thus surely only one level was required.

22. Noting that an additional six weeks of maternity leave could be provided to women at 20 per cent of their salary, she wondered whether such low pay was enough to live on or was chosen due to financial constraints. She pointed out that labour inspectorates were widespread and yet ineffective in their coverage, especially in failing to guarantee safe and equal working conditions in special economic zones. She requested further information on the pre-retirement benefits provided for under the revised social security system, as well as on the national social protection strategy adopted in 2011. Lastly, were the minimum social security benefits adequate for the cost of living and were they regularly reviewed, taking into consideration the views of those who received them?

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

23. **Ms. Nyirahabimana** (Rwanda) stressed that the late submission of the report did not reflect a negligent attitude to the Covenant — on the contrary, considerable efforts had been made to implement it — but rather the difficulty of carrying out reporting after the 1994 genocide.

24. The *Gacaca* courts had expedited proceedings for more than 90 per cent of the backlog of genocide cases; the remaining 10 per cent of detainees would stand trial in the national courts, except for the major engineers of the genocide. She expressed appreciation for the valuable work of the International Criminal Tribunal for Rwanda, which had speeded up criminal proceedings, handed down a number of important judgements and generally improved the quality of the justice process.

25. A number of issues remained unclear after the establishment of the National Commission for Human Rights, such as whether members should come from civil society or the Government and what the source of the budget would be. An accreditation committee reviewed and amended the original law establishing the Commission, to ensure that it was legally independent. The revised law would enter into force in the near future.

26. **Mr. Rusaganwa** (Rwanda) said that, pursuant to the Constitution, treaties ratified by Rwanda, including the Covenant, enjoyed higher status than all domestic laws except the Constitution itself. It was true, however, that judges did not often apply the treaties in practice. The Government, in collaboration with the United Nations Development Programme, was therefore implementing a training programme for judges, lawyers and prosecutors on the application of international treaties. He hoped that in its next periodic report the State would be able to provide statistics on court cases in which the Covenant had been applied.

27. Parliament had already adopted a law authorizing ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The only remaining step was for a decree to be promulgated ratifying the Optional Protocol, which he hoped would be done soon. Rwanda had ratified and fully implemented the Convention relating to the Status of Refugees and had established the Rwandan National Council for Refugees. Refugees in the country enjoyed all the same rights as Rwandans. He was aware of only one case in which a refugee might have been excluded from access to education, but that was not the norm.

28. **Ms. Nyirahabimana** (Rwanda) said that it was important to understand the issue of ethnic minorities within the Rwandan context. In reality, all Rwandans had the same culture and spoke the same language. What were now considered to be ethnic groups had traditionally been just occupational groups, and people had been free to change from one group to another. It was the Belgian colonizers who had developed an ethnic classification system and assigned all Rwandans an identity card indicating their ethnicity. The classification system used was illogical, and in some cases members of the same family had been assigned different ethnicities. Once institutionalized, however, those classifications had been difficult to change. Bad governance by the politicians who had taken over from the colonizers had continued practices of stigmatization and discrimination based on ethnicity, which had eventually led to the genocide. After that atrocity, the ethnic group classification had been eliminated from identity cards, and all citizens were now identified only as Rwandans. At the same time, the Government had made it a priority to assist minority groups such as the Batwa that had been treated unfairly in the past and had thus become economically marginalized.

Articles 10 to 12

29. **Ms. Cong** asked whether the inhabitants of the *imidugudu* villages had been consulted prior to resettlement, whether they had received compensation, and what kind of infrastructure was available in the places where they had been resettled. Noting the low percentage of women using modern family planning methods, she enquired what measures the Government had taken to make family planning services, including contraception, available to poor women and women living in rural areas. She asked what steps the Government had taken to remove the obstacles to women's access to safe and legal abortion in the reproductive health bill. Lastly, she wished to know what efforts the Government had made to eliminate discrimination against and stigmatization of persons living with HIV/AIDS, and what health-care services it provided for that group.

30. **Mr. Dasgupta** said that, while the country enjoyed impressive economic growth, it was not clear to what extent that growth had led to a reduction in poverty, and in fact poverty had even increased in the southern province. He asked what progress had been made towards the Millennium Development Goal regarding poverty reduction, and he wished to know the results of the survey conducted in 2012 in that regard.

31. **Mr. Pillay** said that, according to a 2011 report from the Independent Expert on minority issues, the Batwa in Rwanda had been forcibly removed from their ancestral lands and thus deprived of their traditional livelihoods. He wished to know whether the Government intended to pay compensation to those individuals. He also asked if the Government planned to build social housing units for the Batwa and to implement the recommendations contained in the 2013 report by the Special Rapporteur on adequate housing, including the recommendation to discontinue the policy of forcibly displacing people from informal settlements in urban areas. He asked if homelessness was a problem in the country and, if so, how the Government was addressing it.

32. **Mr. Martynov** asked whether the Government had a specific programme in place to deal with the issue of chronic malnutrition among children. He wished to know how many street children and orphans there were in the country, and requested data on the progress made under the various strategic plans on street children, orphans and child labour. He asked how the Land Tenure Act would affect landownership in Rwanda. He requested information on any programmes to address the serious regional disparities in the standard of living. He commended the widespread health insurance coverage in the country and asked if that had been achieved only through mutual funds or through other schemes.

33. **Mr. Sadi** enquired about the status of the Bill on the Prevention and Punishment of Gender-Based Violence. He asked why child labour was allowed in the agricultural sector

when it went against the spirit of the child labour laws in the country. He wished to know how successful the Government had been in combating the serious problem of street children. He asked why corporal punishment was still allowed in homes and schools. He wondered whether the non-availability of legal abortion might be contributing to the high maternal mortality ratio. Lastly, he requested further information on the quality and scope of the health insurance offered.

34. **Mr. Tirado Mejía** requested information on campaigns to raise awareness about contraceptive methods. He also asked whether abortion was decriminalized if, for example, the foetus was deformed, the pregnancy was a result of rape, or the woman's life or health was in danger.

The meeting rose at 1 p.m.